

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25812 of 2015

K.M.Rajamani

... Petitioner

Vs

1. The State Represented by
The Superintendent of Police,
Erode District.
 2. The State Represented by
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent to register the FIR based on the complaint dated 13.08.2015 as against the accused Baskaran and consequently direct the second respondent to investigate the same in accordance with law.

For Petitioner : Mr.V.P.K.Gowtham

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the 2nd respondent to register a case based on the complaint of the petitioner dated 13.08.2015 and investigate the same in accordance with law.

2. The petitioner herein lodged a complaint as against his brother's son viz., Baskaran, alleging that he had attacked the petitioner in respect of a property dispute. Though the complaint was lodged on 13.08.2015, till date no action was taken by the second respondent.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that the dispute between the petitioner and the counter petitioner is purely civil in nature. But the learned counsel for the petitioner denies the same and thus sought for direction.

5. However, without going into the merits of the allegations made in the complaint, this court directs the second respondent to conduct enquiry on the complaint given by the petitioner dated 13.08.2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law or otherwise, during the course of enquiry, the second respondent comes to the conclusion that the matter is purely civil in nature, he shall advise the parties to approach the civil court.

6. This criminal original petition is disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vrc/vsm

To

1. The Superintendent of Police,
Erode District.
2. The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.P.K.Gowtham, Advocate, sr.60933

CrI.O.P.No.25812 of 2015

ak co
kra 23.11.2015